

| <b>UNITED STATES BANKRUPTCY COURT<br/>DISTRICT OF NEW JERSEY</b>   |  |
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| <p><b>Caption in Compliance with D.N.J. LBR 9004-1(b)</b></p> <p><b>GENOVA BURNS LLC</b><br/> Daniel M. Stolz, Esq.<br/> Donald W. Clarke, Esq.<br/> dstolz@genovaburns.com<br/> dclarke@genovaburns.com<br/> 110 Allen Road, Suite 304<br/> Basking Ridge, NJ 07920<br/> Tel: (973) 467-2700<br/> Fax: (973) 467-8126<br/> <i>Proposed Local Counsel to the Official Talc Claimants Committee</i></p> | <p><b>BROWN RUDNICK LLP</b><br/> David J. Molton, Esq.<br/> Robert J. Stark, Esq.<br/> Michael Winograd, Esq.<br/> Eric R. Goodman, Esq.<br/> dmolton@brownrudnick.com<br/> rstark@brownrudnick.com<br/> mwinograd@brownrudnick.com<br/> egoodman@brownrudnick.com<br/> Seven Times Square<br/> New York, NY 10036<br/> Tel: (212) 209-4800<br/> Fax: (212) 209-4801</p> <p>and</p> <p>Jeffrey L. Jonas, Esq.<br/> Sunni P. Beville, Esq.<br/> jjonas@brownrudnick.com<br/> sbeville@brownrudnick.com<br/> One Financial Center<br/> Boston, MA 02111<br/> Tel: (617) 856-8200<br/> Fax: (617) 856-8201<br/> <i>Proposed Co-Counsel for the Official Committee of Talc Claimants</i></p> |
| <p><b>MASSEY &amp; GAIL LLP</b><br/> Jonathan S. Massey, Esq.<br/> Rachel S. Morse, Esq.<br/> jmassey@masseygail.com<br/> rmorse@masseygail.com<br/> 100 Main Ave. SW, Suite 450<br/> Washington, DC 20024<br/> Tel: (202) 652-4511<br/> Fax: (312) 379-0467</p> <p><i>Proposed Special Counsel for the Official Committee of Talc Claimants</i></p>   | <p><b>OTTERBOURG PC</b><br/> Melanie L. Cyganowski, Esq.<br/> Richard G. Haddad, Esq.<br/> Adam C. Silverstein, Esq.<br/> Jennifer S. Feeney, Esq.<br/> David A. Castleman, Esq.<br/> mcyganowski@otterbourg.com<br/> rhaddad@otterbourg.com<br/> asilverstein@otterbourg.com<br/> jfeeney@otterbourg.com<br/> dcastleman@otterbourg.com<br/> 230 Park Avenue<br/> New York, NY 10169<br/> Tel: (212) 905-3628<br/> Fax: (212) 682-6104<br/> <i>Proposed Co-Counsel for the Official Committee of Talc Claimants</i></p>   |

In re:

**LTL MANAGEMENT, LLC,<sup>1</sup>**

Debtor.

Chapter 11

Case No.: 21-30589(MBK)

Honorable Michael B. Kaplan

**APPLICATION OF THE OFFICIAL COMMITTEE OF TALC CLAIMANTS FOR RETENTION  
OF MOLOLAMKEN LLP AS SPECIAL APPELLATE LITIGATION COUNSEL  
EFFECTIVE AS OF APRIL 20, 2023**

1. The applicant, the Official Committee of Talc Claimants (the “Committee”), is the (check all that apply):

☐ Trustee: ☐ Chap. 7 ☐ Chap. 11 ☐ Chap. 13.

☐ Debtor: ☒ Chap. 11 ☐ Chap. 13

☒ Official Committee of Talc Claimants

2. The applicant seeks to retain the following professional, MoloLamken LLP (“MoloLamken”), to serve as (check all that apply):

☐ Attorney for: ☐ Trustee ☐ Debtor-in-Possession

☐ Official Committee of \_\_\_\_\_

☐ Accountant for: ☐ Trustee ☐ Debtor-in-possession

☐ Official Committee of \_\_\_\_\_

☒ Other Professional:

☐ Realtor ☐ Appraiser ☐ Special Counsel

☐ Auctioneer ☒ Other (specify): Special Appellate Litigation Counsel

3. The employment of the professional is necessary because:

The Committee seeks to employ MoloLamken as its Special Appellate Litigation Counsel to

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<sup>1</sup> The last four digits of the Debtor’s taxpayer identification number are 6622. The Debtor’s address is 501 George Street, New Brunswick, New Jersey 08933.

represent it in connection with appeals and the mandamus petition filed in this matter.

4. The professional has been selected because:

MoloLamken represented the Official Committee of Talc Claimants in the successful appeal from LTL's first bankruptcy to the U.S. Court of Appeals for the Third Circuit, and is familiar with many of the factual and legal issues facing the Official Committee. In addition, MoloLamken has extensive experience and expertise in appellate matters involving a wide range of topics, including bankruptcy. MoloLamken partner Jeff Lamken has argued 27 cases before the U.S. Supreme Court and handled matters in most of the federal courts of appeals.

5. The professional services to be rendered are as follows:

As detailed further in the engagement agreement (the "Agreement") entered into between the Committee and MoloLamken, attached as Exhibit 1 to the *Certification of Jeffrey A. Lamken in Support of Application of the Official Committee of Talc Claimants for Retention of MoloLamken LLP as Special Appellate Litigation Counsel* (the "Lamken Certification"), MoloLamken's services will be limited to representation of the Official Committee of Talc Claimants in connection with appeals in the above matter.

6. In light of the size of this case and scope of related litigation, the Committee determined it was in the talc claimants' best interest to retain multiple law firms. Each of the firms the Committee has proposed to retain serves a distinct purpose from the others:

- (a) Brown Rudnick serves as lead bankruptcy counsel, providing a deep bench of attorneys with core bankruptcy, bankruptcy litigation, and mass tort bankruptcy experience.
- (b) Otterbourg serves as lead mass tort/litigation counsel and special bankruptcy counsel, providing the unique perspective of a former bankruptcy chief judge and expertise in preliminary injunction and district court litigation.
- (c) Massey & Gail serves as special counsel, providing unparalleled mass tort and other complex case experience before trial and appellate courts, including the Supreme Court.
- (d) Genova Burns serves as local counsel, one of few New Jersey firms with appropriate experience that is without conflicts in this case.

- (e) MoloLamken serves as the Committee's special counsel for appeals. MoloLamken is a preeminent appellate firm with substantial experience before the highest courts in the country, as well as before the Third Circuit Court of Appeals in LTL I.

Additionally, co-counsel to the Committee has instituted the following multi-step system for efficiency purposes and in order to avoid unnecessary duplication of services:

- (a) First, a small group of senior partners confer to determine strategy in consultation with Committee members and their designated representatives.
- (b) Next, one firm is assigned primary responsibility for a task.
- (c) Once a task has been preliminarily completed, it is reviewed by the other firms, allowing the firm to whom the task is assigned to benefit from the extensive knowledge and varying perspectives of co-counsel.
- (d) Once co-counsel have signed off on a particular task, it is circulated to the Committee for review and comment.

MoloLamken believes that the above protocol is consistent with effective managements of assignments in a complex bankruptcy case as well as how such matters are handled by large law firms such as those sought to be retained by the Debtor and their affiliates in other bankruptcy cases.

7. The proposed arrangement for compensation is as follows:

Pursuant to the terms of the Engagement Letter, attached hereto as Exhibit 1, and subject to the Court's approval of the Application, MoloLamken will be compensated at its standard hourly rates for matters of this nature, which are based on the professional's level of experience. It is anticipated that the primary attorneys who will represent the Committee are Jeffrey A. Lamken, whose hourly rate is \$1,750, and Rayiner I. Hashem, whose hourly rate is \$975. It is anticipated that other MoloLamken attorneys or paraprofessionals will provide legal services on behalf of the Committee. MoloLamken's hourly rates fall within the following ranges:

| <b>Billing Category</b>       | <b>Range</b>  |
|-------------------------------|---------------|
| Other Partners                | \$950-\$2,000 |
| Counsel                       | \$900-\$995   |
| Associates                    | \$775-\$895   |
| Paralegals / Legal Assistants | \$295         |

The hourly rates set forth above are MoloLamken's standard hourly rates for work of this nature. These rates are set at a level designed to compensate MoloLamken for the work of its attorneys and paraprofessionals and to cover fixed and routine overhead expenses. MoloLamken has informed the Committee that its hourly rates are subject to periodic adjustment in accordance with MoloLamken's established billing practice and procedures. In addition to the hourly rates set forth above, it is MoloLamken's policy to charge its clients in all areas of practice for expenses incurred in connection with the client's case. The expenses charged to clients include, but are not limited to, travel, special database searches, electronic data collection and processing, extraordinary copying, printed briefs, outside messenger and delivery service, filing fees, and any third-party costs incurred related to a representation. MoloLamken will charge for these expenses in a manner and at rates consistent with charges made generally to MoloLamken's other clients and the Local Rules. MoloLamken will maintain detailed records of fees and expenses incurred in connection with the rendering of the legal services provided to the Committee, in accordance with the applicable rules and guidelines.

8. To the best of the applicant's knowledge, the professional's connection with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee, is as follows:

- ☐ None
- ☒ Describe connection: See Lamken Certification and Exhibit 2 attached thereto.

9. To the best of the applicant's knowledge, the professional (check all that apply):

- ☒ does not hold an adverse interest to the estate.
- ☒ does not represent an adverse interest to the estate.
- ☒ is a disinterested person under 11 U.S.C. § 101(14).
- ☒ does not represent or hold any interest adverse to the debtor or the estate with respect to the matter for which he/she will be retained under 11 U.S.C. § 327(e).
- ☒ Other; explain: See Lamken Certification.

10. If the professional is an auctioneer, appraiser or realtor, the location and description of the property is as follows:

N/A

The applicant respectfully requests authorization to employ the professional to render services in accordance with this application, with compensation to be paid as an administrative expense in such amounts as the Court may determine and allow.

Date: May 17, 2023

Respectfully Submitted,

**THE OFFICIAL COMMITTEE OF TALC  
CLAIMANTS**

/s/ Michelle Parfitt

Michelle Parfitt, Esq., as specifically authorized by  
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*Co-Chairs of the Official Committee of Talc  
Claimants*